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7  
8 Attorneys for Defendant  
PODS, Inc.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 ISAAC TANNER,

12 Plaintiff,

13 vs.

14 PODS, INC., et al.,

15 Defendants.

Case No. C07-02392 JL

**JOINT CASE MANAGEMENT  
STATEMENT AND RULE 26(f) REPORT**

16  
17 **I**

18 **JURISDICTION AND SERVICE**

19  
20 Defendant removed this action from state court based on diversity jurisdiction. Plaintiff  
21 withdrew his motion to remand. No parties remain to be served.

22  
23 **II**

24 **FACTS**

25  
26 Plaintiff was employed as a delivery driver for PODS of San Francisco ("PODS") from  
27 March 2005 until September 2006. On September 18, 2006, PODS terminated Plaintiff's  
28 employment. PODS contends it terminated Plaintiff's employment due to his performance.

1 Plaintiff alleges he was terminated based on his race and in retaliation for having complained of  
2 discrimination. The primary factual issue in this action is the reason for the termination of  
3 Plaintiff's employment. An additional factual issue is the nature and amount of Plaintiff's alleged  
4 damages.

### III

#### LEGAL ISSUES

5  
6  
7  
8  
9 There are various legal issues, including: (i) whether Plaintiff can set forth a *prima facie*  
10 case of discrimination and retaliation; and (ii) whether Plaintiff can establish that Defendant's  
11 stated reason for terminating his employment was a pretext for a discriminatory or retaliatory  
12 motive.

### IV

#### MOTIONS

13  
14  
15  
16  
17 Defendant intends to file a motion for summary judgment/partial summary judgment.

### V

#### AMENDMENT OF PLEADINGS

18  
19  
20  
21  
22 Not applicable.

### VI

#### EVIDENCE PRESERVATION

23  
24  
25  
26  
27 The parties have taken steps to preserve all evidence relevant to the issues reasonably  
28 evident in this action, including electronically-recorded material.

**VII**  
**DISCLOSURES**

The parties have agreed to exchange initial disclosures by mail on August 1, 2007. The disclosures will include identification of witnesses and documents, together with the other information required under FRCP 26.

**VIII**  
**DISCOVERY**

No discovery has occurred yet. Defendant intends to propound interrogatories and document requests to Plaintiff, subpoena the records of third parties, depose Plaintiff, and depose third-party witnesses. Plaintiff intends to depose various employees of Defendant and propound written discovery on Defendant. The parties propose the following discovery plan:

- (i) All non-expert discovery shall be completed by February 8, 2008;
- (ii) Experts shall be disclosed by March 8, 2008;
- (iii) All discovery from experts shall be completed by April 8, 2008; and
- (iv) No deposition shall exceed the amount allowed by FRCP. The parties do not contemplate more depositions or other discovery than provided by the FRCP.

**IX**  
**CLASS ACTION**

Not applicable.

**X**

**RELATED CASES**

Not applicable.

**XI**

**RELIEF**

Plaintiff is seeking general damages, special damages, and an injunction to reinstate his employment, together with interest, attorneys' fees and costs of suit.

**XII**

**SETTLEMENT AND ADR**

The parties have stipulated to proceed with the Court-sponsored mediation program. Defendant wants to depose Plaintiff and obtain Plaintiff's relevant documents prior to mediation.

**XIII**

**CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES**

The parties have consented to Magistrate Judge Larson for all purposes.

**XIV**

**OTHER REFERENCES**

Not applicable.

**XV**  
**NARROWING OF ISSUES**

Not applicable.

**XVI**  
**EXPEDITED SCHEDULE**

Not applicable.

**XVII**  
**SCHEDULING**

- (i) Discovery cutoff: February 8, 2008.
- (ii) Deadline for Dispositive Motions: March 8, 2008.
- (iii) Designation of Experts: March 8, 2008.
- (iv) Depositions of Experts: April 8, 2008.
- (v) Pretrial Conference: May 2008.
- (vi) Trial: June 2008.

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XVIII

TRIAL

Plaintiff has demanded a trial by jury. The parties estimate this is an eight (8) day trial.

XIX

DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

Defendant has filed a Certificate of Interested Entities or Persons. Aside from the named parties, no other party has any financial interest in the subject matter of this action or any other kind of interest that could be substantially affected by the outcome of the proceeding.

DATED: Aug 1, 2007

By M. Van Smith  
M. Van Smith  
Attorney for Plaintiff  
Isaac Tanner

DATED: July 31, 2007

REED SMITH LLP

By Ian P. Fellerman  
Ian P. Fellerman  
Attorneys for Defendant  
PODS, Inc.

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**PROOF OF SERVICE**

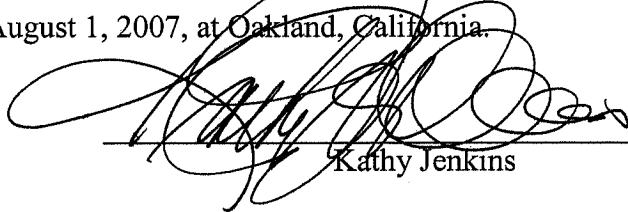
I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 1999 Harrison Street, Suite 2400, Oakland, CA 94612-3572. On August 1, 2007, I served the following document(s) by the method indicated below:

**JOINT CASE MANAGEMENT STATEMENT AND RULE 26(f) REPORT**

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

M. Van Smith  
1696 Mendenhall Drive  
San Jose, CA 95130  
(408) 364-1062 (T)  
(408) 273-6496 (F)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 1, 2007, at Oakland, California.



Kathy Jenkins